

J. SCOTT MOEDE, OSB 934816
Chief Deputy City Attorney
scott.moede@portlandoregon.gov
NAOMI SHEFFIELD, OSB 170601
Deputy City Attorney
naomi.sheffield@portlandoregon.gov
Portland City Attorney's Office
1221 SW 4th Ave., Rm. 430
Portland, OR 97204
Telephone: (503) 823-4047
Facsimile: (503) 823-3089
Of Attorneys for Defendant City of Portland

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

DON'T SHOOT PORTLAND, a nonprofit corporation, in its individual capacity, NICHOLAS J. ROBERTS, in an individual capacity and on behalf of themselves and all others similarly situated, MICHELLE "MISHA" BELDEN, in an individual capacity and on behalf of themselves and all others similarly situated,

Case No. 3:20-cv-00917-HZ

DECLARATION OF CRAIG DOBSON

PLAINTIFFS,

v.

CITY OF PORTLAND, a municipal corporation,

DEFENDANT.

I, Captain Craig Dobson, declare as follows:

1. I am employed by the City of Portland as a Captain in the Portland Police Bureau ("PPB" or "the Bureau"). I have been a police officer for the City of Portland since 1998. Currently, in addition to my role as Captain, I am also frequently in the role of Incident Commander for crowd management/crowd control occurrences that take place within the City.

2. By way of background, I attended the State of Oregon's Police Academy in 1998. This was approximately a 10-week program. While I have been employed with the City of Portland, I have attended the Bureau's annual in-service trainings, which typically last about one week. The annual in-service training will cover various law topics.

3. I have received training both from the state police academy and from the Bureau's Training Division at annual in-service training.

4. I have also received training both from the state police academy and from the City of Portland's Police Bureau's Training Division at annual in-service training, regarding the lawful use of physical force or control.

5. From 2010 until November of 2013, I was assigned to the Bureau's Central Precinct as the Bureau's downtown Special Events coordinator. Part of my duties as Special Events coordinator involved dealing with parades, gatherings and demonstrations in the public right of way, such as sidewalks and streets.

6. I have also received special training in crowd management/crowd control management and have used that training in my role as a crowd management Incident Commander. Among other things, I completed the Government Training Institute's Public Order Management course, and I have taken FEMA's Emergency Management Institute All-hazards Operations Section Chief, and designated as a Department of Homeland Security Certified Instructor for the Center for Domestic Preparedness and I am an instructor for public order classes for PPB.

7. The City's Crowd Management/Crowd Control policy is numbered 0635.10 ("Directive 635.10"). Directive 635.10 is available at: <https://www.portlandoregon.gov/police/article/649358>

8. The City's Use of Force policy is numbered 1010.00 ("Directive 1010.00"). Directive 1010.00 is available at: <https://www.portlandoregon.gov/police/article/751998>

9. Incident Commander (IC) is defined in the Policy. The IC is the individual responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources. The IC has the overall authority and responsibility for conducting incident operations and is responsible for the management of all incident operations at the incident site.

10. The cornerstones of the Policy are set forth in the description of the purpose of the Policy and is a powerful statement understanding the history of Portland. Notably, the Policy requires that “Member response should be commensurate to overall crowd behavior, and members should differentiate between groups or individuals who are engaging in criminal behavior or otherwise posing a threat to the safety of others and those in the crowd who are lawfully demonstrating.”

11. I emphasize the importance of facilitating First Amendment activity, and I instruct officers on that requirement every time I am the IC. I have observed the same from all PPB ICs. This emphasis can be found in the Incident Action Plan that sets out Incident Objectives and Priorities and are communicated to all command staff, supervisors, and police officers in the field. In accordance with the Policy, “Free Speech” and the need and requirement to “facilitate the lawful exercise of free speech in and around events” has been emphasized to all Police Bureau employees.

12. Annually, the Portland Police Bureau facilitates hundreds of demonstrations and crowd events in the City of Portland involving a wide variety of subject matters and political issues, including numerous events related to incidents of police force and advocating for major police reforms. These events have involved thousands of people, often without any police intervention or use of force.

13. On June 6, 2020, Mayor Wheeler as Police Commissioner, issued the following direction regarding PPB’s use of chemical irritants in connection with crowd dispersal: “I stand in solidarity with our non-violent demonstrators, who are sending a strong message that we are

long overdue for meaningful reform and restorative justice. Our community has serious concerns about the use of CS gas for crowd management, particularly during a time when we're battling a pandemic. I share those concerns. Today, I directed Portland Police Chief Jami Resch that gas should not be used unless there is a serious and immediate threat to life safety, and there is no other viable alternative for dispersal. I strongly believe that gas should not be used to disperse crowds of non-violent protestors or for general crowd management purposes. It should only be used in response to violence that threatens life safety. My priority and focus are to protect the lives of demonstrators, our first responders, and the people in custody at the Justice Center. I am confident that the Portland Police officers, Multnomah County Sheriff deputies, and Oregon State Police troopers on the ground will continue to acknowledge the voice of protesters and act in a way that reflects the professionalism that is expected and is a core value of our police force, as well as the law enforcement agencies supporting them. Night after night, they are doing what they can to prioritize and protect the public's safety. My colleagues and I are acutely aware of the urgency around these issues and will continue to work together in the coming days to put together a package of actions that address the demands we are hearing loudly from our community." The Portland Police Bureau immediately implemented this directive from Mayor Wheeler and made it part of our operational plan.

14. Beginning on May 29, 2020 to the present, I have been serving as the Incident Commander for the demonstrations in Portland and I have acted and instructed officers under my direction to act consistent with all Portland Police Bureau Directive. I have regularly highlighted the requirements of Directive 635.10 and Directive 1010.00, and effective June 6, 2020, the requirements set forth by Mayor Wheeler.

15. Throughout these demonstrations, the Portland Police Bureau's goal has been to facilitate First Amendment activity by all persons in the City of Portland.

16. Since May 29th the Bureau has strived to achieve this goal by reaching out to protestors, directing traffic away from marches, and encouraging peaceful assembly through

words directly from officers to demonstrators, PPB's twitter feed and other social media platforms, demonstration liaison teams, demonstration liaison, and the Sound Truck.

17. During the demonstrations since May 29, 2020, at a variety of locations, thousands of demonstrators have freely exercised their First Amendment rights with minimal police involvement. For example, over the last several nights thousands of demonstrators have gathered at Revolution Hall and the adjacent park and there has been minimal involvement from PPB. PPB has not directed this group to disperse and has not used or threatened the use of tear gas. Similarly, thousands of demonstrators have marched from Revolution Hall, across the bridge (many lying in the streets at different times) to Waterfront Park and also gathered in Pioneer Square. Again, there has been minimal involvement from PPB on these bridges, at Waterfront Park, or at Pioneer Square. The same is true for multiple other locations throughout Portland.

18. These thousands of protestors, which have been out every night since May 29, 2020, have done so peacefully, without endangering the life or safety of others or destroying property. It is my understanding that these protestors are advocating for police reform and criticizing police practices. PPB has encouraged these protestors, expressed appreciation for these protestors, offered to speak with these protestors, has not declared these protests unlawful or ordered dispersal, and has not used force against these protestors. I have directed minimal to no PPB presence at these protests because it is not needed.

19. Pursuant to Directive 635.10, the IC must authorize the use of riot control agents to disperse a crowd.

20. Riot control agents include CS gas, which is commonly known as tear gas.

21. On May 29, 2020, I received reports that persons downtown smashed a window at the Justice Center, which houses the Multnomah County Detention Center ("MCDC"), and proceeded to throw flares into the building, which caused a fire. This was the first instance

during the protests beginning May 29, 2020 that I authorized the use of CS gas to remove individuals who had broken into the MCDC.

22. On approximately three additional nights over the following eight nights, I authorized the use of CS gas to disperse much smaller groups who engaged in violent activity towards persons (police and non-police) or significant destruction of property.

23. These authorizations generally followed reports that groups that varied from several hundred to a couple thousand demonstrators gathered in and around the area of the Justice Center; that many members in this group threw and used slingshots to launch projectiles toward police officers (including bricks, full soup cans, frozen water bottles, full water bottles, rocks, steel sling shot balls, fireworks, and many other items); and that individuals in the group had engaged in vandalizing, destroying and defacing property, and lighting fires.

24. At any given time, the Justice Center typically houses approximately 300 people incarcerated at MCDC and an additional 100 personnel that work there. Hence, the possibility of fire in a building that houses a jail could have catastrophic consequences.

25. For life/safety concerns PPB has made it a priority to keep the Justice Center free from demonstrators and has erected a fence. At times, protestors have also worked to dismantle the fence and try and push it over.

26. Many of these projectiles that have been thrown at officers at the Justice Center and other locations downtown have caused injury to police officers. PPB has over 30 reports of injury including one officer being hit in the face with a projectile that resulted in multiple stitches and one officer that caught fire after being hit by an incendiary device.

27. I only authorized the use of CS gas after declaring an unlawful assembly and having PPB's sound truck make announcements to the specific crowd where the violent activity or destruction of property occurred that the assembly had become unlawful and if they fail to disperse and leave the area they will be subject to riot control agents.

28. I make this declaration in support of the City of Portland's Response to Plaintiff's Motion for a TRO.

I hereby declare that the above statement is true to the best of my knowledge and belief, and that I understand it is made for use as evidence in court and is subject to penalty for perjury.

DATED: June 9, 2020

Craig Dobson

Craig Dobson